

**CHAPTER 110****( HB 239 )**

AN ACT relating to licensed professions.

***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

➔Section 1. KRS 317.450 is amended to read as follows:

- (1) (a) The board shall issue a probationary license to practice barbering to any person who:
    1. Is at least seventeen and one-half (17-1/2) years of age;
    2. Is of good moral character and temperate habit;
    3. ***Has graduated from high school, possesses a General Educational Development (GED) certificate, or transcript from an issuing institution that is recognized by the educational authority in the state from which the diploma, certificate, or transcript is issued;***
    - ~~4~~<sup>3</sup>. Has graduated from a licensed school of barbering;
    - ~~5~~<sup>4</sup>. Has satisfactorily passed the probationary examination prescribed by the barber board, which shall include a practical assessment of the applicant's skills, including but not limited to a haircut and a chemical application; and
    - ~~6~~<sup>5</sup>. Has paid a fee not to exceed fifty dollars (\$50).
  - (b) A barber shall serve a probationary period of six (6) months of continuous service from the effective date of the license issued pursuant to paragraph (a) of this subsection.
  - (c) In addition to the grounds for disciplinary action specified in KRS 317.590, the board may, during the probationary period, require a licensee to retake any part or all of the written or practical examination, or both.
  - (d) At the end of the probationary period, the board shall issue a license to practice barbering to a probationary licensee who has:
    1. Satisfactorily passed the barber examination prescribed by the board by administrative regulations promulgated in accordance with KRS Chapter 13A; and
    2. Complied with all other requirements of this subsection.
  - (e) The board may issue a barber license by endorsement to a resident of another state, district, or territory within the United States of America upon payment of a fee not to exceed two hundred fifty dollars (\$250) and upon submission of satisfactory evidence that the requirements for licensure in the other state are substantially equivalent to the requirements of this state at the time of application. In the absence of the required equivalency, an applicant from another state, district, or territory within the United States of America, shall show proof of three (3) years or more experience immediately before making application and be currently licensed and in good standing with the state, district, or territory in which he or she is licensed. The board may also require an applicant under this section to pass a written and practical examination to establish equivalency.
- (2) The board shall:
    - (a) Issue a license to operate a barber shop to any barber licensed under the provisions of this chapter upon application and payment of a fee not to exceed fifty dollars (\$50);
    - (b) Refuse to issue the license upon a failure of the licensed barber to comply with the provisions of this chapter or the administrative regulations promulgated by the board;
    - (c) Allow the licensed owner of a barber shop, which is licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner; and
    - (d) Allow an unlicensed owner of a barber shop, which is licensed under this chapter and managed by a barber licensed under this chapter, to rent or lease space in his or her barber shop to an independent contract owner.
  - (3) The board shall issue a license to operate a school of barbering to any person, firm, or corporation who or

which:

- (a) Applies for a license upon forms furnished by the board;
  - (b) Has the equipment and facilities that may be required by administrative regulations promulgated by the board;
  - (c) Has furnished adequate evidence to the board that:
    - 1. There is an intent to establish a bona fide school for the education and training of competent barbers; and
    - 2. A sufficient number of teachers licensed by the board will be employed to conduct the school, including at least one (1) teacher with a minimum of twelve (12) months' experience teaching in a barber school that includes administrative experience; and
  - (d) Pays a fee not to exceed one hundred fifty dollars (\$150).
- (4) The board shall issue a license to teach barbering to any person who:
- (a) Is of good moral character and temperate habit;
  - (b) Has graduated from high school, or possesses a General Educational Development (GED) certificate;
  - (c) Has been a licensed and practicing barber for at least eighteen (18) months;
  - (d) Has satisfactorily passed the examination prescribed by the board by promulgation of administrative regulations; and
  - (e) Has paid a fee not to exceed one hundred dollars (\$100).
- (5) The board shall issue a license to any barber who holds an independent contract owner's license who:
- (a) Is of good moral character and temperate habit;
  - (b) Has graduated from high school, or possesses a General Educational Development (GED) certificate;
  - (c) Is a licensed and practicing barber under this chapter; and
  - (d) Has paid a fee not to exceed fifty dollars (\$50).
- (6) Applications for examination required in this section shall be accompanied by an examination fee as follows:
- (a) Barber -- not to exceed three hundred dollars (\$300); and
  - (b) Teaching barbering -- not to exceed one hundred fifty dollars (\$150).
- (7) (a) ***On and after July 1, 2016, a license*** ~~Licenses~~ issued pursuant to this section shall expire on the first day of July next following the date of ~~its~~<sup>their</sup> issuance. ***A license shall be renewed on June 1 through July 1 of each year.***
- (b) Any license shall automatically be renewed by the board:
- 1. Upon receipt of the ***application for renewal or duplicate renewal application form and the required annual renewal license fee submitted either in person, or via written or electronic means; and***
  - 2. ~~no later than thirty-one (31) days after the expiration date~~ If the applicant for renewal is otherwise in compliance with the provisions of this chapter and the administrative regulations of the board.
- (8) The annual renewal license fee for each type of license renewal shall be as follows:
- (a) Barber -- not to exceed fifty dollars (\$50);
  - (b) Teacher of barbering -- not to exceed fifty dollars (\$50);
  - (c) Barber shop -- not to exceed fifty dollars (\$50);
  - (d) Barber school -- not to exceed one hundred fifty dollars (\$150); and
  - (e) Independent contract owner -- not to exceed fifty dollars (\$50).
- (9) (a) ~~Except as provided in subsection (7) of this section,~~ The fee ***per year*** for the renewal of an expired

license, if the period of expiration does not exceed five (5) years, shall be as follows:

- 1.~~{(a)}~~ Barber -- not to exceed twenty-five dollars (\$25) plus lapse fees;
  - 2.~~{(b)}~~ Barber shop -- not to exceed twenty-five dollars (\$25) plus lapse fees;
  - 3.~~{(c)}~~ Barber school -- not to exceed twenty-five dollars (\$25) plus lapse fees;
  - 4.~~{(d)}~~ Teacher of barbering -- not to exceed twenty-five dollars (\$25) plus lapse fees; and
  - 5.~~{(e)}~~ Independent contract owner - - not to exceed twenty-five dollars (\$25) plus lapse fees.
- (b) *An applicant who fails to renew a license within five (5) years of its expiration shall comply with the requirements for relicensure established by the board through promulgation of administrative regulations in accordance with Chapter 13A.*

➔Section 2. KRS 317.440 is amended to read as follows:

- (1) To protect the health and safety of the public or to protect the public against misrepresentation, deceit, or fraud in the practice or teaching of barbering, the board shall promulgate administrative regulations governing the:
  - (a) Location and housing of barber shops or schools;
  - (b) Quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools;
  - (c) Qualifications of teachers of barbering;
  - (d) *Qualifications of applicants to or enrollees in barber schools;*
  - (e)~~{(d)}~~ Hours and courses of instruction at barber schools;
  - (f)~~{(e)}~~ Examinations of applicants for barber or teacher of barbering; and
  - (g)~~{(f)}~~ Qualifications of independent contract owners.
- (2) The board shall establish fees by administrative regulation according to the schedules established in KRS 317.450.
- (3) Administrative regulations pertaining to health and sanitation shall be approved by the Kentucky secretary for health and family services before becoming effective.

➔Section 3. KRS 317.540 is amended to read as follows:

No license shall be renewed or issued by the barber board to any barber school, unless the school provides:

- (1) *The name of the proposed school;*
- (2) *A statement that the proposed school is authorized to operate educational programs beyond secondary education;*
- (3)~~{(1)}~~ As a prerequisite of graduation, a prescribed course of instruction of not less than fifteen hundred (1,500) hours shall be given within a reasonable period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays;
- (4)~~{(2)}~~ Courses of instruction in histology of the hair, skin, muscles, and nerves of the face and neck; elementary chemistry with emphasis on sterilization and antiseptics; disease of the skin, hair, and glands; massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching, and tinting the hair and such other courses as may be prescribed by regulation of the board; *and*
- (5)~~{(3)}~~ Such facilities, equipment, materials, and qualified teachers as may be required by rules and regulations of the board adopted pursuant to this chapter, but in no event shall any school have fewer than one (1) licensed teacher per twenty (20) students enrolled, or more than two (2) students per chair.

➔Section 4. KRS 317A.090 is amended to read as follows:

No license shall be renewed or issued by the cosmetologist board to any cosmetology school unless such school provides:

- (1) *The name of the proposed school;*
- (2) *A statement that the proposed school is authorized to operate educational programs beyond secondary education;*

- ~~(3)~~~~(4)~~ As a prerequisite of graduation, a prescribed course of instruction of not less than eighteen hundred (1,800) hours in the case of a cosmetology school to be given within an uninterrupted period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays; except that in the state area vocational schools the eighteen hundred (1,800) hours of instruction may be offered according to the schedule for other vocational classes in the school;
- ~~(4)~~~~(2)~~ Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of the face and neck; elementary chemistry with emphasis on sterilization and antiseptics, diseases of the skin, hair, and glands, and massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, coloring, bleaching, and tinting the hair and such other courses as may be prescribed by administrative regulation of the board;
- ~~(5)~~~~(3)~~ Such facilities, equipment, materials, and qualified instructors and apprentice instructors as may be required by administrative regulations of the board adopted pursuant to this chapter, but in no event shall any cosmetology school have fewer than one (1) licensed instructor per twenty (20) students present for instruction;
- ~~(6)~~~~(4)~~ The fee for the initial license of a cosmetology school shall be one thousand dollars (\$1,000);
- ~~(7)~~~~(5)~~ No cosmetology school, after being licensed for the first time, shall serve the public until three hundred (300) hours of instruction has been taught; *and*
- ~~(8)~~~~(6)~~ In compliance with KRS 317A.070, the board may revoke or suspend any license issued by it if, in the judgment of the board, the school is not following the requirements as set out in this chapter or such school does not comply with the administrative regulations promulgated by the board in order to regulate the conduct of the school and in order to supervise the proper education of the students.

**Signed by Governor April 2, 2015.**